

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

FLAME S.A.,

Plaintiff,

GLORY WEALTH SHIPPING PTE LTD.,

Consolidated Plaintiff,

NOBLE CHARTERING, INC.

Intervening Plaintiff

v.

INDUSTRIAL CARRIERS, INC.

VISTA SHIPPING, INC., and

FREIGHT BULK PTE. LTD.,

Defendants.

Civil Action No: 2:13-cv-658

2:13-cv-704

**MOTION AND MEMORANDUM IN SUPPORT TO SEAL EXHIBITS TO FREIGHT
BULK PTE LTD'S MEMORANDUM IN OPPOSITION TO PLAINTIFFS' FLAME
S.A.'s AND GLORY WEALTH SHIPPING PTE LTD.'S MOTIONS FOR SANCTIONS**

Specially appearing Defendant FREIGHT BULK PTE. LTD. ("FBP"), by and through undersigned counsel, subject to its restricted appearance pursuant to Supplemental Rule E(8), respectfully moves this Court to permit it to file under seal Exhibits 1 & 2 to ECF No 381, FBP's Memorandum in Opposition to Flame, S.A.'s ("Flame") and Glory Wealth Shipping Pte Ltd.'s ("Glory Wealth") Motions for Sanctions under Rule 37 F.R.Civ.Pro. (ECF Nos. 357 and 360, respectively)(collectively, "Plaintiffs Motion to exclude FBP's Expert Witnesses and Their Reports") and Exhibit 2 of ECF No. 382, FBP's Memorandum in Response to Plaintiff Flame's Second Motion for Sanctions (ECF Nos. 365 with Brief 366) and Glory Wealth's Motion for Sanctions (ECF No. 370)(collectively "Plaintiffs' Second Motion for Sanctions"). FBP brings

this Motion pursuant to Local Rule 5 and the parties' Confidentiality Agreement dated December 11, 2013 (ECF 346-1) and offers the attached (proposed) Order permitting the Exhibits to be filed under seal as the Exhibits FBP wishes to attach to its Memoranda contain information designated as Confidential under the Confidential Agreement.

MEMORANDUM IN SUPPORT OF MOTION TO SEAL

The Exhibits FBP wishes to seal contain information that is designated as confidential under the parties Confidential Agreement. The Exhibits to be attached to FBP's Response Brief regarding Flame and Glory Wealth's motions for sanctions to exclude FBP's expert witnesses: Exhibit 1 and 2 are the expert report of Jean Richards of Quantum Shipping Services, Ltd. and the expert report by Nigel Grummitt with Mazars, respectively, both of which contain confidential information. The expert reports contain information of Specially Appearing Defendant FBP operations, businesses and activities including banking transactions or are derived from documents and information containing such information which is subject to the Confidentiality Agreement.

Exhibit 2 of FBP's Memorandum in Opposition to Plaintiffs' Second Motion for Sanctions is a letter from a Ukraine Military Official which contains personal and confidential material regarding Victor Baransky.

The parties have satisfied the requirements for sealing court filings of notice to the public and consideration of a less drastic alternative. *See, Ashcraft v. Conoco, Inc.* 218 F.3d 282, 288 (4th Cir. 2000). First, by filing this motion on the District Court's CM/ECF system, it is available to the public and should satisfy the requirement of public notice with an opportunity to object. Second, the reports are filed with information of some of the businesses who have been sued in this district consequent to the vessel CAPE VIEWER trading with this District's port. The

information is sensitive and should not be disseminated to the public and is the subject to the parties' confidentiality agreement.

Accordingly, Specially Appearing Defendant Freight Bulk Pte. Ltd. requests that this Court enter the Proposed Order sealing Exhibits 1 & 2 to FBP's Memorandum in Opposition to Flame and Glory Wealth's Motions to exclude FBP's Expert Witnesses and Their Reports and Exhibit 2 of FBP's Memorandum in Opposition to Plaintiffs' Second Motion for Sanctions.

Dated: July 11, 2014

Respectfully submitted,

By: /s/ Sergei Kachura (pro hac vice)
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-AND-

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*Attorneys for Specially Appearing
Defendant FREIGHT BULK PTE. LTD*

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2014, I caused the foregoing FREIGHT BULK PTE. LTD.'S Motion and Memorandum in Support of Motion to Seal Documents to be electronically filed with the Clerk of the Court using the CM/ECF system, which in turn will provide electronic notification of and access to such filing to the counsel of record in this matter who are registered on the CM/ECF system.

Dated: July 11, 2014

By: /s/ Patrick M. Brogan

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